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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/622,370 | 07/18/2003 | Zane Vella | 021572-000210US | 4363 |

7590 04/17/2007
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EXAMINER

BASHORE, WILLIAM L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2176

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|----------------------------------------|------------|---------------|
| 3 MONTHS | 04/17/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/622,370

Applicant(s)

VELLA ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,49,51,54-57,60-65,69-72,75-80 and 84-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,49,51,54-57,60-65,69-72,75-80 and 84-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment/Response to Restriction Requirement filed 1/30/2007, to the original application filed 7/18/2003, provisional application filed 8/8/2002.
2. Claims 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80 and 84-87 pending in the case. Claims 1, 60, 75 are independent claims.

Election/Restrictions

3. Applicant's election of Group (Species) I in the reply filed on 1/30/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80 and 84-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (hereinafter "Gupta"), US 6,546,405 B2 filed 10/23/1997, issued 4/8/2003.**

Regarding independent claim 1, Gupta teaches displaying an audiovisual production in fig. 2, col. 2 lines 36-64, and col. 5 line 19 – col. 6 line 64. Gupta teaches displaying a message relating to a portion of the audiovisual presentation. Gupta teaches displaying and selecting temporal annotations from a list, to which playback of the multimedia document substantially commences (fig. 2, col. 2 lines 36-64, col. 5 line 19 – col. 6 line 64, and col. 18 line 5 – col. 19 line 31).

Gupta discloses wherein the process of displaying the given message comprising using a threaded messaging system in col. 8 lines 29-54 and col. 19 lines 32 – col. 22 line 63.

Gupta does not forcefully teach a message included in a thread. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this, in view of Gupta. Gupta teaches that enabling annotation of temporal annotations, threads of discussion can develop (see Gupta column 10 lines 23-30), providing reasonable suggestion to the skilled artisan to include messages as part of threads, facilitating collaboration and fruitful discussion (Gupta column 10 lines 29-30).

Regarding dependent claim 2, Gupta discloses wherein the message is alphanumeric text displayed in a text window in fig. 2, 3, col. 6 line 43 – col. 7 line 34, and col. 9 line 61 – col. 10 line 14.

Regarding dependent claim 3, Gupta discloses accepting a signal from a viewer input device to resize an area used to display the audiovisual production in col. 5 lines 19-63. Gupta discloses accepting a signal from a viewer input device to allow resizing of the text window in col. 6 lines 43-64 and col. 9 line 61 – col. 10 line 14.

Regarding dependent claim 5, Gupta discloses wherein the message includes an icon defining a portion of the audiovisual production to be displayed upon selection of the icon in col. 9 line 45 – col. 10 line 30.

In regard to dependent claim 49, Gupta teaches selecting annotations from a list, and providing a table of contents (Gupta Figure 10, column 11 lines 27-35, column 2 lines 58-61), providing reasonable suggestion to one of ordinary skill in the art at the time of the invention to interpret said lists as “headers” or titles – “subject lines”, of messages, facilitating clarity of messages.

In regard to dependent claims 51, 54, 55, 56, Gupta discloses wherein the process of displaying the given message comprising using a threaded messaging system in col. 8 lines 29-54 and col. 19 lines 32 – col. 22 line 63. Gupta does not forcefully teach a message included in a thread. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this, in view of Gupta. Gupta teaches that enabling annotation of temporal annotations, threads of discussion can develop (see Gupta column 10 lines 23-30), providing reasonable suggestion to the skilled artisan to include messages as part of threads, facilitating collaboration and fruitful discussion (Gupta column 10 lines 29-30). It is noted that threads of discussion (i.e. in a typical forum) typically involve user(s) analyzing some or all displayed messages (including headers and content bodies) in an expanded threaded view, facilitating further discussion.

In regard to dependent claim 57, Gupta discloses wherein the process of displaying the given message comprising using a threaded messaging system including groups of users with access rights in col. 8 lines 29-54 and col. 19 lines 32 – col. 22 line 63. Gupta does not forcefully teach removing a message indicator after a period of time. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this, in view of Gupta. Gupta teaches that enabling annotation of temporal annotations,

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threads of discussion can develop (see Gupta column 10 lines 23-30). Since storage space in repositories are generally finite, it was well established within electronic forums using message threads at the time of the invention to encapsulate all messages within a container period of time (i.e. messages from 2005, etc.) as one indicator, providing reasonable suggestion to the skilled artisan to remove stale messages from a forum and archiving said stale messages, facilitating efficient collaboration and discussion (Gupta column 10 lines 29-30).

In regard to independent claim 60, claim 60 reflects the apparatus comprising computer readable instructions used for performing the method as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 61-65, 69-72, claims 61-65, 69-72 reflect the apparatus comprising computer readable instructions used for performing the method as claimed in claims 2-3, 5, 49, 49, 54-57, respectively, and are rejected along the same rationale.

In regard to independent claim 75, claim 75 reflects the medium comprising computer readable instructions used for performing the method as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 76-80, 84-87, claims 76-80, 84-87 reflect the apparatus comprising computer readable instructions used for performing the method as claimed in claims 2-3, 5, 49, 49, 54-57, respectively, and are rejected along the same rationale.

Response to Arguments

6. Applicant's arguments filed 1/30/2007, and 10/10/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues that Gupta does not teach that a message indicator is displayed and selected to cause display of a message accordingly. The examiner respectfully disagrees. Gupta teaches at least annotations can be

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selected from a list. Gupta also teaches a message thread environment. In order to facilitate discussion, users must at least see the messages displayed. In addition, It was well established at the time of the invention that displaying threaded views involve display of multiple messages, with the capability of expanding and collapsing threads accordingly.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

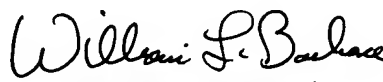
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER

April 15, 2007